88-1289

Supreme Court, U.S.
FILED
JAN 31 1989
JOSEPH F. SPANIOL, JR.
CLERK

No.

IN THE SUPREME COURT

OF THE UNITED STATES

October Term, 1988

GEORGE W. HOWE, Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
Respondent

ON WRIT OF CERTIORARI TO THE

SUPREME COURT OF PENNSYLVANIA

PETITION FOR WRIT OF CERTIORARI

Christopher M. Patterson
Windolph, Burkholder, Stainton
& Gray
53 North Duke Street
Suite 420
Lancaster, PA 17602
(717) 299-7374

56pp

QUESTION PRESENTED

Does the stopping of Petitioner, who was pushing his motorcycle home after an accident in which he fell off his motorcycle and slid thirty feet, by a police officer who received a call from another officer to assist in the investigation of a single vehicle motorcycle accident, violate the Fourth Amendment's proscription against unreasonable seizures, where there was neither probable cause nor reasonable belief that Petitioner was seriously injured, had damaged the roadway or other property, or violated any applicable motor vehicle statute?

TABLE OF CONTENTS

	Page
Opinions Below	1
Jurisdiction	3
Constitutional Provision Involved	3
Statement of the Case	4
Reason for Allowance of Writ	12
Appendix "A":	
Opinion of Superior Court of Pennsylvania	19
Appendix "B"	
Order of Superior Court of Pennsylvania	41
Appendix "C"	
Opinion of Court of Common Pleas of Lancaster County, Pennsylvania	42
Appendix "D"	
Order of Court of Common Pleas of Lancaster County, Pennsylvania	47

Page

Appendix "E"

Judgment of Supreme Court of Pennsylvania 48

Appendix "F"

Criminal Information 49

TABLE OF AUTHORITIES

CASES

	Page
Berkemer v. McCarty, 468 U.S. 420, 104 S.Ct. 3138, 82 L.Ed. 2d 317 (1984)	13
Commonwealth v. Mimms, 434 U.S. 106, 98 S.Ct. 330 54 L.Ed. 2d 331 (1977)	13
Delaware v. Prouse, 440 U.S. 648, 99 S.Ct. 1391 58 L.Ed. 2d 660 (1979	12, 16
Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed. 2d 889 (1968)	12, 13, 18
United States v. Brigoni-Ponce, 422 U.S. 873, 85 S.Ct. 2574, 45 L.Ed. 2d 607 (1975)	14

CONSTITUTIONAL PROVISION

Fourth Amendment	3

OPINIONS BELOW

The Supreme Court of Pennsylvania entered an Order denying the Petition For Allowance of Appeal in this case but did not issue an opinion. A copy of the notification of said Order that was provided to Petitioner's counsel is contained in the Appendix, infra.

The Superior Court of Pennsylvania issued a memorandum opinion which was filed but not published. See ___ Pa. Super ____, 545 A2d 384 (1988). A copy of said opinion is set forth in the Appendix, infra.

The Court of Common Pleas of Lebanon County, Pennsylvania also issued a written opinion in this

case. That opinion is unreported. A copy of it is also contained in the Appendix, infra.

JURISDICTION

The order of the Supreme Court of Pennsylvania was entered December 2. 1988. The jurisdiction of this Court is invoked pursuant to 28 USC Section 1257(3).

CONSTITUTIONAL PROVISION INVOLVED

This case involves the clause of the Fourth Amendment to the Constitution of the United States. which provides:

> The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures. shall not be violated. and no warrants shall issue. but upon probable cause, supported by oath or affirmation. and particularly describing the place to be searched, and the persons or things to be seized.

STATEMENT OF THE CASE

On July 7, 1986, at approximately 11:00 p.m., Petitioner George W. Howe was riding his motorcycle on Pennsylvania Route 23 in the Borough of New Holland. At that time, Howe's motorcycle suffered a mechanical failure which caused him and the motorcycle to fall over and slide on the highway. Petitioner picked himself and the motorcycle up and began to push it towards his home which was located nearby on the same street. There were no other vehicles involved in the accident, no damage to the roadway or adjoining property. A pedestrian reported the accident to

the New Holland Borough Police Department. Officer Fred Sprecher requested Chief Earl Sprecher of the Earl Township, Lancaster County, Pennsylvania, Police Department to assist him in investigating the report because the New Holland Borough police cruiser was not operating properly.

Chief Sprecher drove to the accident site, saw nothing and spoke to a person who said the person involved in the accident (Petitioner) was pushing his motorcycle west along Route 23. Chief Sprecher continued up the highway, approached Petitioner and ordered him to pull his motorcycle over to the side of the road

several times. Petitioner refused. Chief Sprecher then forced Petitioner to pull his motorcycle over and stop by cutting in front of him and blocking his path at a gas station. Several minutes of discussion ensued. An argument then broke out during which Petitioner punched the Chief. Chief Sprecher then subdued Petitioner and Officer Fred Sprecher arrived. Petitioner was formally arrested by the officers for summary Disorderly Conduct and was taken to the New Holland Borough Police Station. At the station, Petitioner was searched. During the search, the officers took his wallet from his boot. In the wallet they found nine

packets containing controlled substances - - five packets of cocaine and four packets of methamphetamine. Petitioner was advised he would be charged and on September 7, 1986, a formal Complaint charging him with two courts of VCSA - Possession With Intent to Deliver Cocaine and Methamphetamine and a companion summary charge, Disorderly Conduct, was filed. On November 23, 1986, Information No. 2283 of 1986 was filed against Petitioner. A copy of the Information is contained in the Appendix, infra.

On February 27, 1987, Petitioner filed a Pretrial Motion to suppress to contraband and

statements he made after his arrest on the basis that the "stop" was actually an arrest which violated the Fourth and Fourteenth Amendments. On March 19, 1987, a suppression hearing was held. At the conclusion of the hearing, the Court ruled that the evidence and Petitioner's statements were admissable. A non-jury trial immediately followed and at its conclusion. Petitioner was found guilty of Simple Possession and summary Disorderly Conduct. Post Trial Motions were filed and denied. A copy of the Trial Court's Opinion denying the Motions is contained in the Appendix, infra.

On September 18, 1987 Petitioner was sentenced to the statutory maximum term of imprisonment of six to twelve months for the possession of drugs, no fine, plus costs. For the summary charge of Disorderly Conduct, Petitioner was sentenced to a concurrent maximum term of imprisonment of ninety days, no fine and costs.

On September 30, 1987 Petitioner filed an appeal to the Pennsylvania Superior Court. Petitioner again raised the illegality of his stop. By Memorandum Opinion dated May 11, 1988, the Superior Court affirmed the judgment of sentence. A copy of

the Court's Opinion and Order are contained in the Appendix. infra.

On June 9, 1988 Petitioner filed a Peititon for Allowance of Appeal to the Pennsylvania Supreme Court on which he stated, inter alia:

> There was no probable cause to stop and arrest Appellant. Appellant had not committed any violation of the Vehicle Code or any other law when he fell off his motorcycle, nor when he pushed it home . . .
>
> Seizures of vehicles must meet Fourth Amendment standards . . . Chief Sprecher, at the time he stop-ped Appellant, had no reasonable and articulable grounds to suspect a violation of the Vehicle Code. As such the stop cannot be sustained as an "investigatory stop" . . . .

On December 2, 1988 the Pennsylvania Supreme Court denied the appeal. A copy of the notice of denial provided to Petitioner's counsel is contained in the Appendix, infra.

REASON FOR GRANTING THE WRIT

Without reason or authority, the Pennsylvania Courts have overstepped the bounds of Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed. 2d 889 (1968), in determining that the stop of Petitioner, ostensibly to investigate a traffic accident, was justified. In doing so, the Courts have ignored the fact that Fourth Amendment protections accompany citizens when they "step from their homes onto public sidewalks" and "when they step from the sidewalks into their vehicles" Delaware v. Prouse, 440 U.S. 648, 99 S.Ct. 1391, 59 L.Ed. 2660 (1979).

Undoubtedly, the initial stop of Petitioner was a "seizure" within the meaning of the Fourth Amendment Id., Berkemer v. McCarty, 468 U.S. 420, 104 S.Ct. 3138, 82 L.Ed. 317 (1984). As a seizure, it could be justified only as a stop upon probable cause that a violation of a criminal statute had occurred or was about to occur Commonwealth v. Mimms, 434 U.S. 106, 98 S.Ct. 330, 54 L.Ed. 2d 331 (1977) or if there were specific and articulable facts which, when taken together with rational inferences from those facts, reasonably warrant the intrusion Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed. 2d 889 (1960);

United States v. Brigoni-Ponce, 422 U.S. 873, 95 S.Ct. 2574, 45 L.Ed. 2d 607 (1975).

That no probable cause to arrest Petitioner existed was acknowledged by the Pennsylvania Supreme Court: "We are mindful that at the time Appellant was stopped by the police the police did not have probable cause to arrest Appellant." Appendix, infra. Thus, the stop of Petitioner can only be justified under the lesser Terry standard, which would at a minimum, require some factual basis for suspicion.

There were no such facts here; in fact, the Petitioner was not stopped for or charged with any

violation of the Pennsylvania Vehicle Code, 75 Pa. C.S. Section 101 et seq. At the time he cut off Petitioner, the police officer was necessarily aware that no damage had occurred to the highway or surrounding property. He had driven over the accident site on his way to Petitioner's location, and prior to confronting him was told that Petitioner, the only one involved in the accident, was pushing his motorcycle along the road. By looking at Petitioner, whom he knew, he was just as aware that no serious injuries had occurred. In short, the police had no reason to stop Petitioner and interfere with his travel.

By permitting the stop and seizure of Petitioner, the Pennsylvania Courts have ignored the reasonable expectation of privacy which Petitioner and all other persons enjoy, and the objective standard for measuring the reasonableness of government intrusion. Delaware v. Prouse, 440 U.S. 648, 99 S.Ct. 1391, 59 L.Ed. 2660 (1979).

To allow the actions which occurred here to go unabated would in effect sanction police stops every time someone falls off a bicycle and attempts to push it home. Such situations do not give rise to the criminality which

justifies intrusion into the private lives of citizens.

CONCLUSION

For the foregoing reasons. the Petition for Writ of Certiorari should be granted. The question of the lack of reasonable and articulable grounds upon which to base Petitioner's stop presents this Court with a misinterpretation of the doctrine announced in Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed. 2d 889 (1968) and its progeny.

Respectfully submitted.

Christopher M. Patterson
WINDOLPH, BURKHOLDER, STAINTON AND GRAY
53 N. Duke St., Suite 420
Lancaster, PA 17602
(717) 299-7374

APPENDIX "A"

OPINION OF THE SUPERIOR COURT

OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 2680 Philadelphia 1987
v.	:	
GEORGE W. HOWE	:	

Appeal from the Judgment of Sentence entered September 18, 1987 in the Court of Common Pleas of Lancaster County, Criminal Division, at No. 2283 of 1986.

BEFORE: DEL SOLE, MONTGOMERY AND HOFFMAN, JJ.

Filed: May 11, 1988

MEMORANDUM:

This is an appeal from the judgment of sentence stemming from Appellant's convictions of disorderly conduct and possession

of controlled substances. Timely post-verdict motions were filed and denied by the trial court. This appeal follows:

Appellant raises two instances of error allegedly committed by the trial court:

> 1. Whether Earl Township police chief Earl Sprecher after receiving a call from Officer Fred Sprecher of the New Holland Borough Police Department to assist in the investigation of a motorcycle accident in which the rider fell off his bike and slid thirty feet, lacked probable cause to stop Appellant who was pushing his motorcycle home, when there was no damage to the roadway or surrounding property or serious personal injury; and,
>
> 2. Whether the maximum sentences imposed by the

> court of six to twelve months for simple possession of drugs and ninety days for disorderly conduct, were improper and evidenced an abuse of discretion by the sentencing court where it considered improper factors and failed to clearly state its reasons for imposing maximum jail sentences.

We affirm.

The facts are as follows. On July 7, 1986, Appellant was riding his motorcycle when a mechanical failure developed causing the motorcycle to fall over and slide on the highway. Appellant was able to pick up the motorcycle and began pushing it towards his home which was in close proximity. The accident was reported by an eyewitness to the New Holland

Police Department. However, because the Borough's police cruiser was not operating properly, Chief Earl Sprecher of the Earl Township Police Department was asked to assist in investigating this report.

Chief Sprecher proceeded to the accident scene and was told that the motorcyclist involved in the accident was seen pushing his motorcycle up the highway. Chief Sprecher caught up to Appellant and several times requested Appellant to pull his motorcycle over to the side of the road so that the policeman could question him about the accident. Appellant vehemently refused. In fact, Appellant denied

that he was even in an accident, although Chief Sprecher could see that Appellant's arms were bruised and bloodied. Finally, Chief Sprecher blocked Appellant's path by driving his cruiser in front of him. Once stopped, Appellant continued to deny that he was involved in an accident and stated that he was going home. Chief Sprecher assured Appellant that he merely wished to investigate the accident. Further, the policeman advised Appellant that if he abandoned his motorcycle there, there was a possibility that it would be towed. At this point, Appellant punched Chief Sprecher in the face. Appellant was then

arrested for disorderly conduct and taken to the New Holland Borough Police Department. Appellant was searched at the police department. During the search, a wallet was removed from his boot which was found to contain controlled substances.

Appellant's first argument is that he was stopped and arrested without probable cause. Specifically, he alleges that Chief Sprecher did not have probable cause to believe that Appellant had violated the Vehicle Code. Therefore, the police should not have cut in front of Appellant's path as he attempted to push his motorcycle home. We disagree.

We are mindful that at the time Appellant was stopped by the police the police did not have probable cause to arrest Appellant. However, this does not preclude the police from making investigatory stops. Under these circumstances we have stated that:

> [t]o test the legality of a stop absent probable cause to arrest, we ask 'wehtehr the officer's action was justified at its inception and whether it was reasonably related in scope to the circumstances that justified the interference in the first place.' Terry v. Ohio, 392 U.S. 1, 20, 88 S.Ct. 1868, 1879, 20 L.Ed. 2d 889 (1968). The central inquiry, we must emphasize, is the reasonableness under all the circumstances of this particular governmental invasion of appellant's

personal security. Id. at 19. 88 S.Ct. at 1878.

Commonwealth v. Otto, 343 Pa. Super. 457, 495 A. 2d 554, 556 (1985). With respect to investigatory stops of motorists, they are permitted in those situations in which there exists reasonable suspicion that a possible violation of the Vehicle Code has been committed. Reasonable suspicion of unlawful activity is not found unless the officer "relied on specific and articulable facts which together with the rational inferences from those facts, reasonably warranted the intrusion." Commonwealth v.

Edwards, 355 Pa. Super. 311, 513 A.2d 445, 446-447 (1986).

In the case at bar, we are satified that Chief Sprecher had reasonable suspicion to stop Appellant. The police had received a phone call that a motorcycle accident had occurred. The specifics of the accident, however, were not outlined by the caller. Chief Sprecher visited the accident scene and was notified that Appellant was involved in it. At this juncture, the police still did not know whether or not there were injuries to person or property, how many people were involved in the accident, or how it actually occurred. Chief Sprecher proceeded

to investigate the unknown facts of the accident by asking Appellant a few questions. As he approached Appellant, the policeman noticed that Appellant had sustained injuries to his arms. When Chief Sprecher inquired about the accident, Appellant became "loud and obnoxious" and repeatedly denied that an accident had even occurred. Despite the police's request that he answer a few questions, Appellant kept on pushing his motorcycle. At this point, Chief Sprecher stopped Appellant.

Clearly, the policeman was jusitifed in attempting to investigate the accident more

closely inasmuch as only sketchy details of the accident were made available to him. Chief Sprecher's desire for the particulars of the accident was further heightened when Appellant steadfastly denied that any accident had occurred and refused to stop and talk to the police. We find that the rational inferences from Appellant's behavior were that he was attempting to hide information regarding the accident from the police and that a violation of the

Vehicle Code had occurred.[1] Thus, further investigation was necessary.

We emphasize that, unlike Appellant's interpretation of the facts, this is not a case in which

---

[1]For instance, section 3744 of the Vehicle Code provides that the driver of any vehicle involved in an accident resulting in injury or death to any person or damage to any vehicle or other property which is driven or attended must give identification and other information to any police officer who is present at the scene of the accident or who is investigating the accident. See 75 Pa.C.S.A. Section 3744. Instantly, Appellant's failure to answer Chief Sprecher's basic questions resulted in a reasonable suspicion that the accident involved a situation where Section 3744 was applicable and that Appellant had no intention to comply with this, or any other provisions, of the Vehicle Code.

the police stopped a driver simply because he was in a one-vehicle accident which did not involve injury to person or property. Rather, the investigatory stop in this matter resulted from the fact that the police knew that an accident had occurred; however, Appellant would not cooperate with Chief Sprecher's investigation. Accordingly, we find that the investigatory stop under these circumstances was warranted.[2]

[2] We note that Appellant claims that there was no probable cause for his arrest. Appellant's assertion is based on the same reasoning employed with respect to the investigatory stop. However, we point out that probable cause for Appellant's arrest of disorderly conduct was established when Appellant punched Chief Sprecher.

Appellant's second issue is that the sentencing court abused its discretion in pronouncing sentence. Appellant urges that the sentencing court erroneously considered a letter authored by the police chief of New Holland which was attached to the presentence investigation report. The letter made certain references to domestic problems which had allegedly occurred between Appellant and his girlfriend. The document also stated that Appellant was a drug dealer, although this allegation was uncorroborated. Appellant argues that the accusations contained within this letter should

not have been considered by the sentencing court.

Preliminarily, we note that Appellant's brief does not comport with our Supreme Court's holding in Commonwealth v. Tuladziecki, 513 Pa. 508, 522 A. 2d 17 (1987) inasmuch as it does not contain a concise statement alleging that there exists a "substantial question" relating to the sentence imposed. See Pa.R.A.P. 2119(f) (an appellant who challenges the discretionary aspects of a sentence must set forth in his/her brief a concise statement of reasons relied upon with respect to the discretionary aspects of a sentence).

However, recenting in Commonwealth v. Krum, _____ Pa. Super. _____, 533 A.2d 134 (1987), we opined that the Rule 2119(f) requirement is procedural in nature. Thus, "a failure to comply therewith can be waived and will be waived if it is not objected to by the appellee." Id. In the instant case, the Commonwealth has not objected to Appellant's failure to include in his brief a separate statement complaining that the sentencing court utilized impermissible factors in pronouncing sentence. Therefore, any objection that the Commonwealth might have raised concerning the defect in form of Appellant's brief

has been waived. For this reason. we may entertain Appellant's sentencing issue if we conclude that Appellant has raised a substantial question that the sentence imposed is not sanctioned under the Sentencing Code Commonwealth v. Easterling, 353 Pa. Super. 84, 509 A. 2d 345 (1986).

We are of the opinion that averments stating that the sentence imposed resulted from the consideration of impermissible factors by the sentencing court are of a substantial nature which may be addressed by this Court. See Commonwealth v. Chase, _____ Pa. Super. _____, 530 A. 2d 458 460 (1987) (allegation that the

sentencing court considered improper factors when pronouncing sentence found to be a challenge to the discretionary aspect of an appellant's sentence).

In reviewing the testimony associated with this issue, we note that the sentencing court entertained arguments on the appropriateness of this letter. At the end of this discussion the sentencing court stated:

> [a]ll right, I will consider all that you have said, and I won't consider all of these outside so-called sources that are not corroborated in any way.
>
> I think that you have a point, I agree with that. S.T., 9/18/87, 8. The Commonwealth posits that

this statement was an assurance by the sentencing court that the allegations of domestic abuse and drug dealing would not influence Appellant's sentence. Appellant insists, however, that the sentencing court merely stated that he would not consider all of the uncorroborated accuations, which suggests that at least one of them might have been used by the sentencing court in imposing sentence.

We disagree. The only indication that the sentencing judge might have possibly considered the letter was his comment that Appellant had exhibited "social irresponsibility"

and that "his activities in the community have been anything but inspiring as far as the public is concerned." S.T., 9/18/87, 8. However, this remark was so general in nature that it could easily be construed as a reference to either Appellant's lengthy prior record or his drug and alcohol problems as reflected in the presentence report. In fact, the sentencing court specifically pointed out that Appellant's prior record dating from 1968 was the dominant factor contributing to the tabulation of his sentence. It was observed that Appellant's record reflected serious offenses of burglary, larceny, aggravated assault, and

escape. S.T., 9/18/87, 7-8. Viewed in this light, we are satisfied that the sentencing court did not take into consideration any of the uncorroborated allegations contained in the letter attached to the presentence investigation report.

Finally, Appellant posits that the sentencing court failed to articulate on the record the reasons for the sentence imposed. As noted, supra, the sentencing stated that Appellant's prior record was the overriding factor used in the formulation of the sentence imposed. It was noted that the offenses for which Appellant had been convicted were

serious. Likewise, the sentencing court relied upon the contents of the presentence report. The sentencing court also explained that the sentence was appropriate under the sentencing guidelines and the sentencing code. We find from these statements made during the sentencing hearing that the sentencing court did articulate the reasons prompting the sentence imposed. Therefore, we find Appellant's issue to be meritless.

Accordingly, the judgment of sentence is affirmed.

APPENDIX "B"

ORDER OF THE SUPERIOR COURT

OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 2680 Philadelphia 1987
v.	:	
GEORGE W. HOWE	:	

Dated: May 11, 1988

JUDGMENT

ON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this Court that the judgment of the Court of Common Pleas of LANCASTER County be, and the same is hereby AFFIRMED.

BY THE COURT:

/s/ David A. Szewczak
PROTHONOTARY

Dated: May 11, 1988

APPENDIX "C"

OPINION OF THE COURT OF

COMMON PLEAS OF LANCASTER

COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 2283 of 1986
	:	
v.	:	
	:	
GEORGE W. HOWE	:	

Dated: August 21, 1987

OPINION

BY BUCHER, S.J.

Following a non-jury trial on March 19, 1987, the defendant was found guilty of possession of four packets of cocaine and five packets of methamphetamines plus the summary charge of disorderly conduct. Timely post-trial motions were filed and the defense brief in

support of said motions raised the following sole issue:

Whether the Court erred in determining that Earl Township Police Chief Earl Sprecher, after receiving a call from Officer Fred Sprecher of the New Holland Police Department to assist in the investigation of a motorcycle accident in which the rider fell off his bike and slid thirty feet, had probable cause to stop defendant who was pushing his motorcycle home, where there was no damage to the roadway or surrounding property, or serious personal injury.

The findings of fact made at the conclusion of the suppression

hearing by the Court and set forth on pages 50 to 53 of the Notes of Testimony are adopted by reference thereto for purposes of this Opinion.

It is clear from those facts that the police officer was authorized in stopping the defendant. Under the Vehicle Code itself, such a stop would be authorized. The applicable section of that Code provides as follows:

> (b) Authority of police officer. -- Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has articulable and reasonable grounds to suspect a violation of this title, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure

such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

75 Pa.C.S.A. Section 6308(b).

Although the facts are not similar to this case, a recent opinion from the Superior Court sets forth the law applicable to investigatory stops. See Commonwealth v. Edwards, 355 Pa. Super. 311, 513 A.2d 445 (1986). In essence the Edwards case reiterates the law that police may stop a vehicle if they reasonably suspect a possible violation of the Vehicle Code.

The facts, as found by the trial judge, formed a reasonable basis for the police officer to

stop the defendant. Accordingly, the following Order is entered.

APPENDIX "D"

ORDER OF THE COURT OF
COMMON PLEAS OF LANCASTER
COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 2283 of 1986
	:	
v.	:	
	:	
GEORGE W. HOWE	:	

Dated: August 21, 1987

ORDER

AND NOW, this 21st day of August, 1987, the Defendant's post-trial motions are denied, and after a presentence investigation has been performed, he is directed to appear for sentencing at the call of the District Attorney.

BY THE COURT:
/s/ Wilson Bucher
WILSON BUCHER
SENIOR JUDGE

Attest: /s/ Diana L. Thompson.
Cl. Dep.

APPENDIX "E"

ORDER OF THE PENNSYLVANIA SUPREME COURT

COMMONWEALTH OF PENNSYLVANIA	:	NO. 552 E.D. Allocatur Docket 1988
v.	:	
GEORGE W. HOWE	:	

"December 2. 1988.

Petition denied. Per Curiam."

APPENDIX "F"

CRIMINAL INFORMATION FILED

AGAINST PETITIONER ON 11/26/86

IN THE COURT OF COMMON PLEAS

OF LANCASTER COUNTY,

PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 2283 of 1986
	:	
v.	:	
	:	
GEORGE W. HOWE	:	

The District Attorney of Lancaster County, by this information charges that on (or about) July 7, 1986, in said Lancaster County, George W. Howe (who at all times hereafter shall be referred to and called by the name of actor)

Possession With Intent to Deliver (Sec. 13(30))

did feloneously possess with intent to deliver four packets of cocaine and five packets of methamphetamine, said cocaine and methamphetamine being a controlled substance included in Schedule II of the Controlled Substance, Drug, Device and Cosmetic Act of 1972, and said defendant not being authorized by law to deliver said controlled substance. All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

/s/Joseph Madenspacher
Asst. District Attorney
Dated 11/26/86

jrm

Information No. 2283 of 1986
Commonwealth of Pennsylvania
v.
GEORGE W. HOWE

CITATION OF STATUTE/S AND SECTIONS

VIOLATION OF CONTROLLED SUBSTANCE ACT
Sec. 13 (30) Felony
DISORDERLY CONDUCT (S)